



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

Memo

To: Applicants, Engineers/Consultants
From: Shannon Hicks, PE, Manager, Engineering and State Certification
Date: August 27, 2007
Re: Small Project Submittal Requirements

The submittal requirements we have posted currently indicate that neither an application nor a sediment and erosion control plan are required for projects less than 1 acre state-wide and projects 0.5 acres and less within 0.5 miles of a receiving water body in the coastal zone. This is in conflict with the S.C. Stormwater Management and Sediment Reduction Regulations (Chapter 72 of the 1976 Code of Laws, Title 48) and the S.C. Coastal Zone Management Plan. The posted information is being updated to reflect the standards set forth in these regulations and policies.

The new NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities, SCR100000 (CGP) does not require a submittal for projects less than 1 acre (0.5 acres and less in the coastal zone), but R.72-300 et. seq. (below) and the S.C. Coastal Zone Management Plan do and still apply. Also, the term "automatic coverage" described in Part 2 of the CGP for projects equal to or less than 0.5 acres and within 0.5 miles of a receiving water body is a bit of a misnomer. The Department still has to evaluate land disturbance activities as required in R.72-300 et. seq. and the Coastal Zone Management Plan for any project less than 1 acre in the eight-county coastal zone. The Coastal Zone Management Plan policies also give the Department the authority to require NPDES coverage for small sites in particularly sensitive areas as noted in Chapter III of the Coastal Zone Management Program document and the S.C. Stormwater Management and Sediment Control Handbook for Land Disturbance Activities (August 2003). (Also note definition of a small construction activity includes all sites less than 5 acres within 0.5 miles of a receiving water body in the CGP.) The NPDES Criteria Guidance Matrix has been taken off our website so it can be revised to reflect these necessary clarifications.

The need for NPDES coverage is tied to the amount of disturbance and distance to a receiving water body (coastal zone only). For all subdivisions, you must calculate and design for the total disturbance including the roads, homes and associated infrastructure, assuming full build-out. The formula provided in the Notice of Intent (NOI) instructions may be used to determine the disturbed area for subdivisions with an unknown layout. However, if additional areas will be disturbed beyond the assumed disturbed area for each lot, then the Department must be notified in writing of this change.

NPDES coverage and Coastal Zone Consistency Certification are required if one of the following conditions is met:

- 1) Total calculated disturbance for the project or Larger Common Plan (LCP) is equal to 1 acre or greater.
- 2) Total calculated disturbance for project or LCP exceeds 0.5 acres AND is within 0.5 miles of a receiving water body in the coastal zone.
- 3) Total calculated disturbance for project or LCP is between 0 and 0.5 acres AND is within 0.5 miles of a receiving water body AND meets condition **a**, **d** or **e** provided on page 2 of the SC Stormwater Management and Sediment Control Handbook (August 2003). This requirement only applies to projects located in the coastal zone.

At a minimum, the following pertinent submittal information is needed based on R.72-300 et. seq. and coastal zone refinements even in scenarios where NPDES coverage may not be required:

Projects* or LCPs 0.5 acres and less and within 0.5 miles of a receiving water body in the coastal zone

1. Modified NOI (complete sections I, II, III, IV.A, and VI.B)
2. Digital Boundary Submittal
3. Stormwater Management and Sediment Control Plan submittal package meeting all requirements of R. 72-307H
4. MS4 approval letter (where applicable)

* If the project falls within categories **a**, **d** or **e** provided on page two of the introductory pages of the S.C. Stormwater Management and Sediment Control Handbook for Land Disturbance Activities (August 2003) the modified NOI submittal package will not apply. An individual coverage number and full submittal (i.e. complete NOI, submittal package meeting requirements of R. 72-307I and CGP) will be required for the project. If the project does not fall into categories **a**, **d** or **e**, as noted above, the Department will issue a letter granting NPDES coverage and Coastal Zone Consistency Certification for the project based on the modified NOI submittal package once the coastal zone consistency review is complete.

Projects or LCPs less than 1 acre, not within 0.5 mile of a receiving water body**

1. Modified NOI (complete sections I, II, III, IV.A, and VI.B)
2. Stormwater Management and Sediment Control Plan submittal package meeting all requirements of R. 72-307H (some of this information is already provided on the Modified NOI)

**If your project is within the limits of an operational MS4 area, a submittal to the Department is not necessary. Coordinate with the MS4 Operator.

**Excerpt from S.C. Stormwater Management and Sediment Reduction Regulations
(26 S.C. Code Ann. Regs. 72-300, et seq. (Supp. 2006))**

R.72-305. Permit Application and Approval Process.

- B. Specific requirements of the permit application and approval process are generally based on the extent of the land disturbing activity. The permit application and approval procedure is as follows:
- (1) For land disturbing activities involving two (2) acres or less of actual land disturbance which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a simplified stormwater management and sediment control plan meeting the requirements of R.72-307H. This plan does not require approval by the implementing agency and does not require preparation or certification by the designers specified in R.72-305H and R.72-305I.

R.72-307. Specific Design Criteria, Minimum Standards and Specifications.

- H. The stormwater management and sediment control plan required for land disturbing activities of two (2) acres or less which are not part of a larger common plan of development or sale shall contain the following information, as applicable:
- (1) An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed;--[already on NOI]
 - (2) A narrative description of the stormwater management and sediment control plan to be used during land disturbing activities;
 - (3) General description of topographic and soil conditions of the tract from the local soil and water conservation district;
 - (4) A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties;
 - (5) A sketched plan (engineer's, Tier B surveyor's or landscape architect's seal not required) to accompany the narrative which shall contain:
 - (a) A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
 - (b) The boundary lines of the site on which the work is to be performed;
 - (c) A topographic map of the site if required by the implementing agency;
 - (d) The location of temporary and permanent vegetative and structural stormwater management and sediment control measures.
 - (6) Stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.--[already on NOI; Sec. 6.B]
 - (7) All stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections.--[already on NOI; Sec. 6.B]

**Excerpt from S.C. Stormwater Management and Sediment Control Handbook for
Land Disturbance Activities (August 2003)**

- (a) All commercial buildings which will handle hazardous chemicals (including gasoline, kerosene, diesel fuel, nutrients, ect.).
- (b) All commercial buildings and parking/runway areas with greater than one (1) acre of impervious surface (building and parking).
- (c) All commercial buildings and parking/runway areas with greater than one-half (1/2) acre of impervious surface located directly adjacent to a saltwater (critical) area.
- (d) All residential subdivision developments located directly adjacent to a saltwater (critical) area.
- (e) All projects impacting Geographic Areas of Particular Concern (GAPC's)